

**Notice of Allowability**

Application No.

09/973,936

Examiner

Zia R. Hashmi

Applicant(s)

NOVAK ET AL.

Art Unit

2881

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/15/03.
2. ☒ The allowed claim(s) is/are 1-57.
3. ☒ The drawings filed on 11 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.**

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. In response to Office Action of March 13, 2003, an "Amendment" was received on September 15, 2003. Independent claims 1 and 57 have been amended, as indicated.

2. Claims 1-57 are allowed.

3. The following is an examiner's statement of reasons for allowance:

With respect to independent claims 1 and 57, prior art fails to disclose a thermal image identification system comprising laminated infrared (IR) emitting element for marking or identifying a target sandwiched between two layers, which when electrically powered, emits IR in substantially one direction.

In the prior art of thermal markers used for identification purposes required in various military and law enforcement applications, conventional markers utilize a pouch containing chemicals that undergo an exothermic reaction on exposure to air to generate infrared energy. When seen with special optical equipment, the markers can be identified. There are number of shortcomings in this technique, like limited operational life markers, participation by the wearer, which can endanger law enforcement personnel when enforcing such marker identification, and possible omission of such a process. Furthermore, when remote activation is not feasible, the

markers must be continuously activated, leading to prolonged exposure of personnel involved to potential enemies.

The current invention overcomes the above-mentioned drawbacks of the prior art. One aspect of the invention provides a thermal image identification system, including an infrared emitting element having a laminate, and a power source electrically communicable with the infrared emitting element. In another embodiment, the thermal image identification system further comprises a receiver electrically communicating with a controller, which generates a control signal in response to an input signal received by the receiver. The receiver comprises at least one of an infrared receiver and a radio frequency receiver, which allows operating instructions to be provided remotely, for example, using a computer, such as personal data assistant, a laptop computer, radio transmitter, or other devices. Thus, the control parameters described above can be selected or updated manually using a switch, electrically using control port, or remotely using the receiver.

Claims 2-56 are allowed by virtue of their dependencies on the independent claims 1.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zia Hashmi whose telephone number is (703) 305-0419. The examiner can normally be reached between 8.30 AM- 5 PM. If attempts to reach


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the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee  
can be reached on (703) 308-4116.

Zia Hashmi

October 11, 2003

  
JOHN R. LEE  
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